## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MIKE WERLINS,	)
Plaintiff,	) )
VS.	) No. 2:17-cv-2467-SHM-cgc
DNI, DOD,	
Defendant.	)

## REPORT AND RECOMMENDATION

On July 5, 2017, Plaintiff Mike Werlins, a resident of St Charles, Missouri, filed a pro se complaint. (D.E.# 1.) However, Plaintiff neglected to pay the \$400.00 civil filing fee or submit a properly completed application to proceed in forma pauperis.

In an order issued on July 14, 2017, the Court ordered the Plaintiff to file a properly completed application to proceed *in forma pauperis* or pay the appropriate civil filing fee within thirty (30) days of the entry of the order. (D.E. # 6) Plaintiff has not complied with that order and the time set for compliance has expired.

The July 14, 2017 Order provided, in pertinent part, that "[f]ailure to comply with this order in a timely manner will result in recommendation that this action be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute." *Id.* See also, *Taman v. Chertoff, et al*, 07-cv-2247-SHM-dky, Order of Dismissal (D.E. # 4) April 30, 2008. It is therefore RECOMMNDED

that Plaintiff's complaint be DISMISSED WITHOUT PREJUDICE, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

Signed this 1<sup>st</sup> day of September, 2017.

s/ Charmiane G. Claxton CHARMIANE G. CLAXTON UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.